

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Region 20

Charlotte's Confection

Employer

and

Case: 20-UC-424

Bakery, Confectionary & Tobacco Workers
Union, Local 125

Petitioner

DECISION AND ORDER¹

Upon a petition filed under Section 9(b) of the National Labor Relations Act, as amended, careful investigation and consideration took place.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned Regional Director.

On the basis of my investigation, I find that:

(1) The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

(2) On July 22, 2008, Petitioner filed the petition in the instant case apparently seeking to clarify the placement of certain employee(s) in the bargaining unit.

(3) Clarification of the bargaining unit is not warranted inasmuch as a question concerning representation has already been raised by a petition filed on July 18, 2008, in Case No. 20-RD-2456. Section 102.60(b) of the Board's Rules and Regulations states that unit clarification petitions may be filed only when no question concerning representation exists.

ORDER

I hereby dismiss the petition in this matter.²

¹ The Decision and Order in this matter that I issued on August 7, 2008, did not include notification of the right to request review, and is superseded by this document.

² Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision and Order may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. The request for review may also be submitted by electronic filing. See the Attachment provided in the initial correspondence in this case or refer to OM 05-

Signed in San Francisco, California, on August 8, 2008.



/s/ Joseph P. Norelli

Joseph P. Norelli
Regional Director, Region 20
National Labor Relations Board
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30 and OM 07-07, which are available on the Agency's website at www.nlrb.gov, for a detailed explanation of requirements which must be met when electronically submitting documents to the Board and Regional Offices. Guidance can also be found under *E-Gov* on the Board's website. The request for review must be received by the Board in Washington D.C. by 5:00 p.m. (ET) on August 22, 2008. This request may *not* be filed by facsimile.